

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

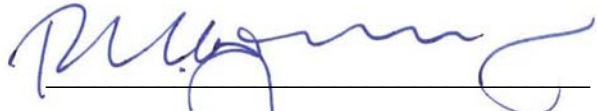
COMMON CAUSE INDIANA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	1:12-cv-01603-RLY-DML
	)	
INDIANA SECRETARY OF STATE, in	)	
her official capacity,	)	
INDIVIDUAL MEMBERS OF THE	)	
INDIANA ELECTION COMMISSION, in	)	
their official capacities; and	)	
GOVERNOR OF THE STATE OF	)	
INDIANA, in his official capacity,	)	
	)	
Defendants.	)	

**ORDER ON CHRISTOPHER STARKEY’S OBJECTION TO MAGISTRATE  
JUDGE’S ORDER DENYING MOTION TO INTERVENE**

Plaintiff, Common Cause Indiana, filed the present action asking the court to declare that Indiana Code § 33-33-49-13(b), which provides the method by which judges are elected to the Marion Superior Court, is unconstitutional. Christopher Starkey, who unsuccessfully ran in the Democratic primary for that office, filed a motion to intervene requesting that, should Common Cause prevail, the names of the top sixteen candidates in both the Republican and Democratic primaries be placed on the November 2014 general election ballot. On June 18, 2014, the Magistrate Judge denied the motion for two reasons. First, she found the motion was not timely, and second, that he “lack[ed] an interest in the subject matter of this litigation that will be impaired or impeded without

his participation.” (Filing No. 62 at 3). Mr. Starkey timely filed an objection, and, on August 11, 2014, filed his own independent cause of action. *See Gregory Bowes & Christopher Starkey v. Indiana Secretary of State, the Individual Members of the Indiana Election Commission, and the Governor of the State of Indiana*, Cause No. 1:14-cv-1322-RLY-DML. Mr. Starkey’s new cause of action, which seeks the same overall relief, moots the present objection. Accordingly, Mr. Starkey’s Objection to Magistrate Judge’s Order Denying Motion to Intervene (Filing No. 65) is **DENIED as MOOT**.

**SO ORDERED** this 2nd day of October 2014.

  
\_\_\_\_\_  
RICHARD L. YOUNG, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

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